REMARKS

Claims 1-16 are currently pending in the Application. In an office action dated June 3, 2003 ("Office Action"), the Examiner objected to Figure 1, rejected claims 3-5 and 14-16 under 35 U.S.C. § 112, second paragraph, rejected claims 1-3, 8-10, and 15-16 under 35 U.S.C. § 102(b) as being anticipated by Köhler, U.S. Patent No. 4,061,839 ("Köhler"), rejected claims 1, 10, and 15-16 under 35 U.S.C. § 102(b) as being anticipated by Jinno et al., U.S. Patent No. 3,808,893, rejected claims 1-5, 7-10, and 15-16 under 35 U.S.C. § 102(b) as being anticipated by Friedland, U.S. Patent No. 3,952,761 ("Friedland"), and rejected claims 6 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over either Köhler or Friedland in view of Lin et al., U.S. Patent No. 6,408,694 ("Lin").

Applicant's representative would like to thank the Examiner for a careful and thorough examination of the current application. Applicant's representative includes a proposed drawing correction that Applicant's representative believes will overcome the Examiner's objection to Figure 1. Applicant's representative, in the above claim amendments, has endeavored to address the Examiner's 35 U.S.C. § 112 rejections. In particular, the claims, as amended, include antecedent basis for the element "the anode reservoir."

With regard to the 35 U.S.C. § 102(b) rejections, Applicant's representative believes that claims 1-15, as amended above, now clearly differentiate Applicant's claimed invention from the disclosed devices and techniques in the cited references. In particular, Köhler's warning device is adapted for determining the charge condition of a starter battery, is not visible from the exterior of the starter battery, and triggers an electrical warning signal. Please note that a battery is not a fuel cell – batteries do not reduce oxygen at the cathode, and the solution in a battery is not fuel, but is instead an ion-carrying medium. Jinno relates to a densimeter included in chemical process vessels, and also is not visible from vantage points external to the chemical processing vessel, and also triggering an electrical or electromechanical signal. Similarly Friedland discloses a finned hydrometer that is fully enclosed within a chemical process vessel. Lin discloses a densimeter-based, online monitoring unit. None of the cited

references suggest or mention fuel cells, or suggest or mention including a fuel-concentration indicator within the anode reservoir of a fuel cell. Therefore, the cited references, alone or in combination, cannot serve as the basis for either 35 U.S.C. § 102 or 35 U.S.C. § 103 rejections of the currently amended claims, which include fuel-cell components as elements.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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